

Application No.: 10/591,372
Filing Date: June 25, 2007

REMARKS

In response to the Office Action mailed June 23, 2008, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following remarks.

Summary of the outstanding Office Action

In the June 23, 2008 Office Action, Claims 1-11 stand rejected. Claims 1-11 stand objected to under 37 C.F.R. §1.75(i) which requires each element or step of the claimed invention to be separated by a line indentation. Claims 1-11 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-5, 8 and 9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,732,621 issued to Bostrom (hereinafter "Bostrom"). Claims 6, 7, 10 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bostrom in view of U.S. Patent No. 5,591,029 issued to Zuest (hereinafter "Zuest").

Objection under 37 C.F.R. § 1.75(i)

In the Office Action, Claims 1-11 stand objected to under 37 C.F.R. § 1.75(i) which requires each element or step of the claimed invention to be separated by a line indentation. Applicant has amended Claim 1 to separate each element with a line indentation. .

Rejection under 35 U.S.C. § 112, Second Paragraph

In the Office Action, Claims 1-11 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner rejected Claim 1 stating that it was unclear how the "component" of line 2 related to the "component" of line 3. The Examiner also rejected Claim 1 for lack of antecedent basis for "the lumen." Applicant has amended Claim 1 to clarify the terms and particularly point out the claimed subject matter.

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Claim 6 was rejected for indefiniteness regarding the recitation of “threads having double entrances.” Applicant has amended Claim 6 to recite threads with “double threading” and thus resolve this ambiguity.

Claim 7 was rejected for indefiniteness regarding the recitation of a surface with “micro topography.” Applicant has amended Claim 7 to recite a surface that is “roughened” and clarify this ambiguity.

The Examiner rejected Claims 8 and 9 stating that it was unclear what constitutes a “compact implant.” Applicant has canceled Claims 8 and 9 without prejudiced. .

Claims 10 and 11 were rejected for the use of parentheses in describing alternative language and limitations. Applicant has amended Claims 10 and 11 to delete the parentheses and alternative language.

Rejection under 35 U.S.C. § 102(b)

In the Office Action, Claims 1-5, 8 and 9 stand rejected under 35 U.S.C. §102(b) as being anticipated by Bostrom. The Office Action states that “[i]n Figure 6, Bostrom discloses a dental implant 27 for insertion into bone tissue. The implant 27 is tubular having a closed first end 28 to which prosthetic component 33 is attached. The opposite lower end of the tubular implant is open and to be inserted into the patient’s bone. The implant has an impermeable side wall above the illustrated lower transverse openings, is threaded, has a shoulder stop mark 66 and a conical cavity that extends up into the end wall at the implant upper end. The manner in which applicant intends for the claimed device to be used fails to impose any objectively ascertainable structural distinctions from the device disclosed by Bostrom.”

While Applicant reserves the right to prosecute Claim 1 as originally filed, Applicant has amended Claim 1 in order to expedite prosecution of this Application. Claim 1 was amended to include, inter alia, the limitation of internal grooves on at least a portion of the first inner surface (Fig. 1 of the Present Application, part 1) of the dental implant. Bostrom does not teach the limitation of internal grooves on at least a portion of the inner surface of the dental implant. See Fig. 6 of Bostrom, part 27. Claim 1 was also amended to incorporate the limitation of Claim 5 of an external thread and further amended to include the limitation of the external threads extending substantially to the apical end of the dental implant. In one embodiment, as illustrated in Fig. 1 of the Present Application, the external threads on the external surface 3 extend to the edge of the

apical end of the dental implant to improve engagement of the threads with the jawbone during implantation. Accordingly, Applicant respectfully submits that amended Claim 1 is not anticipated by Bostrom and is in condition for allowance. Claims 2-4, 8 and 9 are allowable for at least the reason that these claims depend from allowable Claim 1 and upon their own merits as well. Claim 5 has been canceled without prejudice or disclaimer.

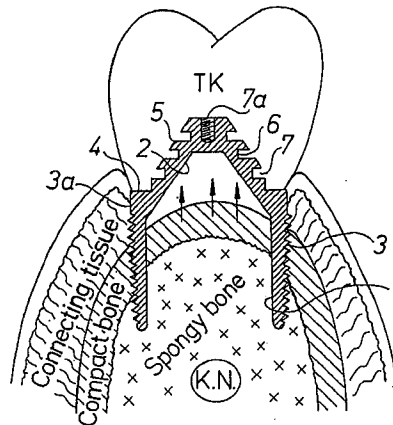


FIG. 1

Present Application

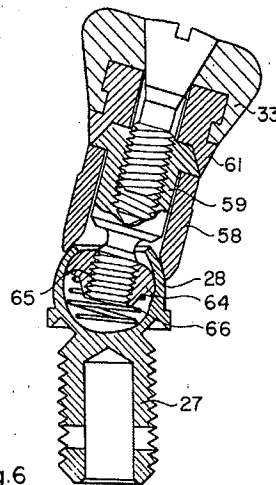


Fig. 6

Bostrom

Rejections under 35 U.S.C. § 103(a)

In the Office Action, Claims 6, 7, 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bostrom in view of Zuest.

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While Applicant reserves the right to prosecute Claim 1 as originally filed, Applicant has amended Claim 1 in order to expedite prosecution of this Application, as previously discussed above. Therefore, Applicant respectfully submits that dependent Claims 6, 7, 10 and 11 are allowable for at least the reason that Claim 6 depends from allowable Claim 1 and upon its own merits as well.

New Claims

Applicant has added new Claims 17-37. Claims 17-22 depend upon independent Claim 1 discussed above and, for at least this reason, are also in condition for allowance.

New independent Claim 23 recites, in part:

an external surface extending between the abutment surface and the annular surface and generally facing away from the longitudinal axis of the dental implant, the external surface including threads that extends along the external surface in a longitudinal direction;

a first inner surface concentric with the external surface, the first inner surface generally facing toward the longitudinal axis of the dental implant, at least a portion of the first inner surface including grooves that form a grooved surface; and

a second inner surface that is joined to the first inner surface along an outer circumference of the second inner surface and extends generally transverse to the longitudinal axis of the dental implant and faces in a generally apical direction;

wherein the threads on the external surface extends longitudinally towards the apical end of the dental implant and the grooved surface extends longitudinally from the apical end toward the coronal end of the dental implant, wherein at least a portion of the threads on the external surface overlap at least a portion of the grooves on the first inner surface in the longitudinal direction.

As noted above, the cited art does not disclose an inner surface including grooves. Claim 23 also recites that the "at least a portion of the threads on the external surface overlap at least a portion of the grooves on the first inner surface in the longitudinal direction." For at least these reasons, Applicant submits that Claim 23 and Claims 24-27, which depend upon Claim 23, are in condition for allowance.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather,

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any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Serial Number	Title	Filed
11/035,266	ANCHORING ELEMENT FOR USE IN BONE	1/12/05
10/587,497	ANCHORING ELEMENT FOR USE IN BONE	07/20/2007
11/250,900	FIXTURE FOR ANCHORING IN JAW BONE	10/14/2005
10/582,586	ARRANGEMENT AND SYSTEM FOR ANCHORING OF AN IMPLANT AND INSTALLATION ON THE IMPLANT OR IMPLANTS	04/11/2007

CONCLUSION

Applicant respectfully submits that the above rejections and objections have been overcome and that the present application is now in condition for allowance. Therefore, Applicant respectfully requests that the Examiner indicate that the pending claims are now acceptable and allowed. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully submits that the claims are in condition for allowance in view of the above remarks. Any remarks in support of patentability of one claim, however, should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although amendments

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have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Applicant also has not presented arguments concerning whether the applied references can be properly combined in view of, among other things, the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper reason exists to combine these references and to submit indicia of the non-obviousness of the claimed management system.

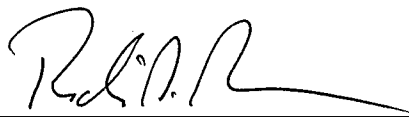
The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claim and drawings in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 12-23-08

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